

FILED

A.M. October 22, 1999

DAVID J. MALAND, CLERK

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

Debbie Heschke
DEPUTY

UNITED STATES OF AMERICA,
ex rel. JOHNSON,

Plaintiff,

v.

SHELL OIL COMPANY, et al.

Defendants.

Civil Action No. 9:96CV66

FIFTH ORDER AMENDING CASE MANAGEMENT ORDER

On agreed motion of the United States, the defendants, and the relators, the Case Management Order entered on July 22, 1998, as amended by subsequent orders ("CMO"), is hereby further amended as follows:

1. Defendants and the Government shall produce electronic data as required by the CMO by November 1, 1999.
2. Discovery shall be stayed from November 3 until December 3, 1999, with the exception of issues relating to (1) privileged documents of plaintiffs and defendants (2) scheduling of post-stay depositions, (3) provision of electronic data by the defendants and the Government, and (4) supplementation of production required by the Discovery Order of July 27, 1999. The purpose of the of the stay shall be so that the parties may engage in settlement discussions.

734

On December 10, 1999, the parties shall appear and report to the Court the results of such discussions.

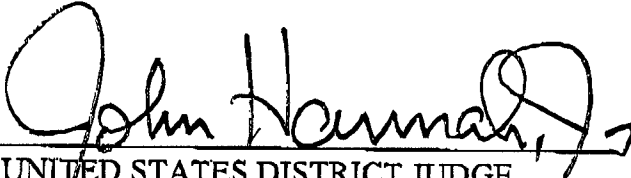
3. The Government and Relators shall provide by November 1, 1999 a written explanation of the damage model or formula (including detailed steps to compute damages and a listing of all data fields and data input required) used for purposes of settlement negotiations and shall identify methodological differences, if any, between the damage model or formula used for purposes of settlement and the damage model or models which the government and Relators presently contemplate using at trial.
4. The defendants have filed motions for severance. The Court will postpone consideration of such motions until after the parties report to the Court on December 10, 1999.
5. Plaintiffs' Local Rule CV-26(c) expert disclosures and damage disclosures (per paragraph 4(i) of the CMO) shall be due no later than February 5, 2000.
6. Defendants' Local Rule CV-26(c) expert disclosures shall be due no later than April 5, 2000.
7. Plaintiffs' rebuttal to the defendants' expert reports shall be due no later than April 26, 2000.
8. The parties may commence taking of depositions of experts on February 14, 2000. Prior to noticing any expert depositions, counsel for plaintiffs and defendants shall have coordinated among themselves and served on the opponent's lead Counsel a schedule of dates for the expert to be deposed.

9. The deadline for completion of discovery, including but not limited to factual depositions and expert depositions is June 12, 2000.
10. The deadline for filing motions to dismiss, motions for summary judgment and Daubert motions is July 10, 2000.
11. Responses to the above motions filed on July 10, 2000 are due August 11, 2000.
12. The deadline for each party to file its Local Rule 26(d)(1) pretrial disclosure is August 21, 2000. Such disclosure shall include: (1) a list of that party's witnesses by name, in alphabetical order according to last name, with a brief description of the subject matter for which the witness is offered; (2) the page and line designations to any transcript the party will offer into evidence at trial; and (3) a list of the transcripts they may offer at trial and each party's designations to the transcripts the party may offer at trial.
13. Each party must make available copies of that party's premarked exhibits by August 30, 2000. In addition, (1) each exhibit shall be marked with the name of the party and the party's number for the exhibit, (2) each party shall file proposed jury instructions and motions in limine, and (3) the parties shall submit a joint pretrial order.
14. The final pretrial conference shall be held on September 11, 2000 at 8:30 a.m.

15. The parties shall be ready for trial on all issues, subject to further orders of the court, on September 18, 2000.

IT IS SO ORDERED,

This 22nd day of October, 1999.


UNITED STATES DISTRICT JUDGE